

APPEAL NO. 040076
FILED FEBRUARY 27, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 10, 2003. The hearing officer determined that the appellant (claimant) sustained a compensable injury on _____, and that as a result of the compensable injury sustained on _____, the claimant had disability from August 16, 2002, through January 16, 2003, and not thereafter through the date of the CCH. The claimant appealed the hearing officer's disability determination based on sufficiency of the evidence grounds. The appeal file does not contain a response from the respondent (carrier). The hearing officer's injury determination has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The hearing officer found that the claimant sustained a compensable low back/left ankle injury on _____. A Work Status Report (TWCC-73) in evidence dated January 6, 2003, reflects that the claimant was taken off work from August 16, 2002, through January 17, 2003, and that the claimant was released to work without restrictions on January 17, 2003. The claimant changed treating doctors due to relocation of her residence. The second doctor again took the claimant off work but the hearing officer commented that the claimant had new complaints.

Whether the claimant had disability resulting from the _____, compensable injury was a factual question for the hearing officer to resolve. A disability determination can be established by the claimant's testimony alone, if believed by the hearing officer. Gee v. Liberty Mutual Fire Insurance Company, 765 S.W.2d 394 (Tex. 1989). The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). The hearing officer's determination on the period of disability is supported by the evidence. Nothing in our review of the record indicates that the hearing officer's disability determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATE SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge